

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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VINCENT BOCCHICCTIO,

Plaintiff(s),

v.

UNITED STATES OF AMERICA,

Defendant(s).

Case No. 2:15-CV-528 JCM (GWF)

ORDER

Presently before the court are the findings and recommendation of Magistrate Judge Foley. (Doc. #10). No objections were filed, and the deadline for filing objections has passed.

Magistrate Judge Foley recommended that plaintiff's complaint (doc. #1) be dismissed with prejudice.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's **findings and recommendation**, then the court is required to "make a de novo determination of those portions of the [**report and recommendation**] to which objection is made." 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003)

1 (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that district courts are
2 not required to review "any issue that is not the subject of an objection."). Thus, if there is no
3 objection to a magistrate judge's recommendation, then this court may accept the recommendation
4 without review. See, e.g., *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a
5 magistrate judge's recommendation to which no objection was filed).

6 Nevertheless, this court finds it appropriate to engage in a *de novo* review to determine
7 whether to adopt the recommendation of the magistrate judge. Upon reviewing the
8 recommendation and underlying briefs, this court finds good cause to ADOPT the magistrate
9 judge's findings in full.

10 Accordingly,

11 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the findings and
12 recommendation of Magistrate Judge Foley, (doc. #10), are ADOPTED in their entirety.

13 DATED February 5, 2016.

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UNITED STATES DISTRICT JUDGE